

LITIGATION TRACKER

LEGAL CHALLENGES TO TRUMP ADMINISTRATION ACTIONS

through February 25, 2025¹

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¹ SOURCE: Just Security Litigation Tracker, found at <https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/> (last visited February 26, 2025).

Case name	Complaint	Date filed	Case Summary	Last update
STRUCTURE OF GOVERNMENT / PERSONNEL				
Executive Action: Reinstatement of Schedule F for Policy/Career Employees (Executive Order 14171)				
National Treasury Employees Union v. Donald J. Trump et al (D.D.C.) Case No. 1:25-cv-00170	Complaint	Jan. 20, 2025	Trump’s executive order authorizes the Director of the Office of Personnel Management to reclassify thousands of members of the civil service and strip them of their civil-service protections, enabling the president or heads of agencies to fire them at will. The National Treasury Employees Union sued to block implementation of the order on behalf of the union’s members. The lawsuit argues that the executive order violates laws Congress passed to provide civil-service protections to the vast majority of civil servants, with only limited exceptions for Senate-confirmed political appointees.	2025-01-31
Government Accountability Project v. Office of Personnel Management (D.D.C.) Case No. 1:25-cv-00347	Complaint	Feb. 6, 2025	On Jan. 27, Director of the Office of Personnel Management (OPM) Charles Ezell issued Guidance implementing the president’s executive order, which aims to reclassify thousands of members of the civil service and strip them of their civil-service protections, enabling the president or heads of agencies to fire them at will. Plaintiffs—independent nonprofits representing whistleblowers, federal employees, retirees and their survivors—allege that the OPM Guidance did not go through proper procedure under the Administrative Procedure Act, violates the Civil Service Reform Act’s protections for career employees, and violates civil servants’ Fifth Amendment Due Process rights. They seek a declaratory judgment that the executive order and the OPM Guidance are unlawful and an injunction enjoining the administration from implementing the executive order and the OPM Guidance.	2025-02-06
Public Employees for Environmental Responsibility v. Donald Trump et al (D. Md.) Case No. 8:25-cv-00260-PX	Complaint	Jan. 28, 2025	Trump’s executive order authorizes the Director of the Office of Personnel Management to reclassify thousands of members of the civil service and strip them of their civil-service protections, enabling the president or heads of agencies to fire them at will. PEER, represented by Citizens for Responsibility and Ethics in Washington and Democracy Forward, sued to enjoin implementation of the executive order. The lawsuit argues that the executive order violates the Administrative Procedure Act and deprives civil servants of due process by stripping them of protections guaranteed under the Civil Service Reform Act of 1978.	2025-01-31
American Federation of Government Employees, AFL-CIO and American	Complaint	Jan. 29, 2025	On Jan. 27, Director of the Office of Personnel Management (OPM) Charles Ezell issued guidance implementing the president’s executive order, which aims to reclassify thousands of members of the civil service and strip them of their civil-service protections, enabling the president or heads of agencies to fire them at will. The AFGE and AFSCME – labor organizations representing	2025-01-31

<p>Federation of State, County And Municipal Employees, AFL-CIO v. Donald Trump et al (D.D.C.)</p> <p>Case No. 1:25-cv-00264</p>			<p>federal, state and local employees – assert that the Trump administration failed to follow proper notice-and-comment procedures under the Administrative Procedural Act in issuing the order, which renders “inoperative or without effect” existing regulations, 5 C.F.R. 210.102(b)(3), 5 C.F.R. 210.102(b)(4), and 5 C.F.R. § 302.601-603. The plaintiffs sued, seeking a declaratory judgment to that effect, as well as an injunction enjoining the Defendants from enforcing the order without first complying with the APA’s notice-and-comment requirements.</p>	
<p>Executive Action: Establishment of “Department of Government Efficiency” (DOGE) (Executive Order 14158)</p>				
<p>Public Citizen Inc et al v. Donald J. Trump and Office of Management and Budget (D.D.C.)</p> <p>Case No. 1:25-cv-00164</p>	<p>Complaint</p>	<p>Jan. 20, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the President. Two advocacy organizations and the American Federation of Government Employees sued, arguing that the order violates the Federal Advisory Committee Act, which bars the delegation of decision-making authority to private citizens without public access. The suit asks the court to enjoin the operation of DOGE unless and until it complies with the FACA’s requirements.</p> <p>Update 1: On Feb. 18, 2025, Judge Jia M. Cobb (D.D.C.) granted defendants’ motion to consolidate two cases with this case. Parties in Lentini v. Department of Government Efficiency (complaint), and American Public Health Association v. Office of Budget and Management (complaint) must make all future filings in this case.</p>	<p>2025-02-18</p>
<p>Jerald Lentini, Joshua Erlich, and National Security Counselors v. Department of Government Efficiency, Office of Management and Budget, Office of Personnel Management, Executive Office of the President, Elon Musk, Vivek Ramaswamy, Russell Vought, Scott Kuper, and Donald Trump (D.D.C.)</p> <p>Case No. 1:25-cv-00166</p>	<p>Complaint</p>	<p>Jan. 20, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the President. The advocacy organization National Security Counselors, Inc., sued, arguing that the order violates the Federal Advisory Committee Act, which bars the delegation of decision-making authority to private citizens without public access. The suit asks the court to enjoin the operation of DOGE unless and until it complies with the FACA’s requirements.</p> <p>Update 1: On Feb. 18, 2025, Judge Jia M. Cobb (D.D.C.) granted defendants’ motion in Public Citizen, Inc. v. Trump to consolidate three cases. Parties in Lentini v. Department of Government Efficiency and American Public Health Association v. Office of Budget and Management must make all future filings in Public Citizen.</p>	<p>2025-02-18</p>

<p>American Public Health Association et al v. Office of Management and Budget, Acting Director of the Office of Management and Budget, and the Department of Government Efficiency (D.D.C.)</p> <p>Case No. 1:25-cv-00167</p>	<p>Complaint</p>	<p>Jan. 20, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the President. Several advocacy organizations sued, arguing that the order violates the Federal Advisory Committee Act, which bars the delegation of decision-making authority to private citizens without public access. The suit asks the court to enjoin the operation of DOGE unless and until it complies with the FACA’s requirements.</p> <p>Update 1: On Feb. 18, 2025, Judge Jia M. Cobb (D.D.C) granted defendants’ motion in Public Citizen, Inc. v. Trump to consolidate three cases. Parties in Lentini v. Department of Government Efficiency and American Public Health Association v. Office of Budget and Management must make all future filings in Public Citizen.</p>	<p>2025-02-18</p>
<p>Center for Biological Diversity v. Office of Management and Budget (D.D.C.)</p> <p>Case No. 1:25-cv-00165</p>	<p>Complaint</p>	<p>Jan. 20, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the President. The Center for Biological Diversity sued the Office of Management and Budget under the Freedom of Information Act, demanding records related to communications between OMB and DOGE’s leadership or those acting on its behalf.</p>	<p>2025-01-31</p>
<p>J. Doe 1-26 v. Musk (D. Md)</p> <p>Case 8:25-cv-00462-TDC</p>	<p>Complaint</p>	<p>Feb. 13, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the President. Twenty-six current and former USAID employees or contractors filed a lawsuit claiming that Elon Musk’s constitutional authority to exercise significant government powers as the head of DOGE without Senate confirmation violates the Appointments Clause. The complaint alleges that Musk and the DOGE staff are exercising “significant authority” by controlling agency operations, making personnel decisions, and directing federal spending, all powers the plaintiffs claim can be wielded only by properly appointed officers of the United States. The lawsuit argues that Musk is functioning as a principal officer while evading the constitutional requirement for Senate confirmation. The plaintiffs also claim that Musk’s actions would be unconstitutional even if he were considered merely an inferior officer, as Congress has not authorized the President to directly appoint anyone to his position. The plaintiffs also argue that DOGE’s structure violates separation of powers by creating a “shadow chain of command” that undermines Congress’s power to create agencies and their authorities through statute, confirm appointed officers, and conduct oversight. The suit asks the court to declare Musk and DOGE to be acting unlawfully, enjoin Musk and DOGE from exercising government authority unless appointed by proper process, and set aside their actions taken to date.</p>	<p>2025-02-13</p>
<p>New Mexico et al. v. Musk (D.D.C.)</p>	<p>Complaint</p>	<p>Feb. 13, 2025</p>	<p>Trump’s executive order renames the U.S. Digital Service as the U.S. DOGE Service (Department of Government Efficiency) and reestablishes the office under the Executive Office of the</p>	<p>2025-02-18</p>

Case No. 1:25-cv-00429			<p>President. Fourteen states filed a lawsuit claiming that Elon Musk’s constitutional authority to exercise significant government powers as the head of DOGE without Senate confirmation violates the Appointments Clause. The complaint alleges that Musk and the DOGE staff are exercising “significant authority” by controlling agency operations, making personnel decisions, and directing federal spending, all powers they claim can only be wielded by properly appointed officers of the United States. The suit asks the court to declare Musk and DOGE to be acting unlawfully, impose a temporary restraining order barring Musk and DOGE from exercising government authority (including a specific list of official actions) while awaiting preliminary and permanent injunctions to the same effect, and set aside their actions taken to date.</p> <p>Update 1: On Feb. 17, the government submitted a declaration by Joshua Fisher, Director of the Office of Administration, stating that Musk is not the head of DOGE nor an employee of DOGE.</p> <p>Update 2: On Feb 18, Judge Tanya Chutkan denied the Plaintiffs’ request for a temporary restraining order but also indicated a potentially favorable view of the Plaintiffs’ argument on the merits (pp. 8-9).</p>	
Executive Action: Solicitation of information from career employees				
<p>Jane Does 1-2 v. Office of Personnel Management (D.D.C.)</p> <p>Case No. 1:25-cv-00234</p>	Complaint	Jan. 27, 2025	<p>The Office of Personnel Management announced it was testing a new system to email all civilian federal employees from a single email address, HR@opm.gov. Individuals claiming to be OPM employees subsequently posted online that the emails were being stored on an unsecure server at OPM. Plaintiffs, employees of executive-branch agencies who received “test” emails from HR@opm.gov requesting information, sued. The lawsuit alleges that the new procedure violates the E-Government Act of 2002 and asks the court to require the Office of Personnel Management to conduct a Privacy Impact Assessment before collecting any data from employees, as required under the law.</p> <p>Update 1 and 2: On Feb. 4, 2025, the plaintiffs requested a temporary restraining order. On Feb. 6, Judge Randolph D. Moss denied the TRO request and said an opinion will follow.</p> <p>Update-3: On Feb. 11, OPM moved to dismiss the Complaint on the grounds that Plaintiffs lack Article III standing and failed to state a claim upon which relief can be granted.</p> <p>Update 4: On Feb. 17, 2025, in a Memorandum Opinion and Order, Judge Moss denied plaintiffs’ most recent motion for a TRO on the ground that they had not shown they were likely to have standing or face irreparable injury without emergency relief.</p>	2025-02-17

Executive Action: Disclosure of personal and financial records to DOGE				
<p>Alliance for Retired Americans v. Scott Bessent et al (D.D.C.)</p> <p>Case No. 1:25-cv-00313</p>	<p>Complaint</p>	<p>Feb. 3, 2025</p>	<p>The complaint alleges that the Treasury Department granted DOGE-affiliated individuals access to sensitive personal and financial information maintained by the Treasury Department. The plaintiffs sued on behalf of members whose records may have been transmitted from the Treasury Department to DOGE employees, thus allegedly depriving the members of privacy. The lawsuit seeks an injunction and declaratory relief, as well as a temporary restraining order, for alleged violations of the Administrative Procedure Act and actions in excess of legal authority under the Privacy Act.</p> <p>Update 1: On Feb. 6, 2025, the parties in the suit mutually proposed an order that Judge Colleen Kollar-Kotelly adopted. It limits access to Treasury Department payment records and systems to two (Musk-affiliated) Special Government Employees in the Department (“read-only” access), other employees who need to access the record to perform their duties, or individuals who are already entitled to access the records under statute.</p> <p>Update 2: On Feb. 20, the court issued an order accepting an unopposed motion to modify the Feb. 6 order.</p> <p>Update 3: On Feb. 25, following a hearing the previous day, the court ordered “that Defendants shall file the administrative record underlying the decisions challenged in this case on or before March 10, 2025.”</p>	<p>2025-02-11</p>
<p>New York et al v. Donald J. Trump (S.D.N.Y.)</p> <p>Case No. 1:25-cv-01144-JAV</p>	<p>Complaint</p>	<p>Feb. 7, 2025</p>	<p>The complaint alleges that the Treasury Department granted DOGE-affiliated individuals access to sensitive personal and financial information maintained by the Treasury Department. The plaintiffs, attorneys general of 19 states, sued on the ground that the policy of giving expanded access to political appointees and “special government employees” to Treasury’s Bureau of Fiscal Services violated the Administrative Procedure Act (APA). The plaintiffs claim the policy violates the APA by exceeding authority conferred by statute for the unauthorized purpose of impeding payments and accessing private information; for failure to conduct a privacy impact statement; for violation of the Privacy Act; and for violating ethics statutes on conflicts of interest. The plaintiffs also assert the policy usurps congressional authority and is ultra vires.</p> <p>The plaintiffs requested an emergency temporary restraining order, as well as preliminary and permanent injunction to bar access to political appointees, special government employees, and government employees detailed from other agencies as well as to any person who has not received a background check, security clearance, and information security training.</p> <p>Update 1: The case is before Judge Jeannette A. Vargas. On Feb. 8, 2025, after midnight, Judge Paul A. Engelmayer issued an emergency temporary restraining order until Judge Vargas holds a</p>	<p>2025-02-21</p>

			<p>hearing on Feb. 14. Judge Engelmayer’s order prohibits access to the Treasury Department’s systems and also requires prohibited persons to immediately destroy any material already downloaded from the Treasury Department’s systems.</p> <p>Update 2: On Feb. 21, Judge Vargas granted a limited preliminary injunction, enjoining the Treasury Department from granting access to DOGE-affiliated individuals to any payment record, payment systems, or any other data systems maintained by the Treasury Department containing personally identifiable information and/or confidential financial information of payees. The court noted that “a real possibility exists that sensitive information has already been shared outside of the Treasury Department, in potential violation of federal law.” The court ordered the Treasury Department to submit a report by March 24 including several forms of information and certifications including “the vetting and security clearances processes that members of the Treasury DOGE Team have undergone;” “setting forth the legal authority pursuant to which each DOGE Team member was employed by or detailed to the Treasury Department;” and “explaining the reporting chains that govern the relationship between the DOGE Team members, USDS/DOGE, and Treasury leadership.”</p>	
<p>AFL-CIO v. Dep’t of Labor (D.D.C.) Case No. 1:25-cv-00339</p>	<p>Complaint</p>	<p>Feb. 5, 2025</p>	<p>On Feb. 5, 2025, DOGE sought access to internal information systems at the Department of Labor. Plaintiffs sued, arguing DOGE’s attempt to direct the agency and access internal information systems are an unlawful exercise of power beyond its authority; and unlawful under the Administrative Procedure Act as a prohibited personnel practice, violation of the Confidential Information Protection and Statistical Efficiency Act, violation of the Privacy Act, rulemaking without proper procedure, and arbitrary and capricious abuse of discretion. They seek temporary, preliminary, and permanent injunctive relief to prevent the Department of Labor from granting access to DOGE, from taking adverse action against employees who refuse to cooperate with DOGE, and from providing any person with non-public Department of Labor information regarding that person’s business interests or direct competitors.</p> <p>On the same day as the complaint was filed, judge John Bates issued an Order which stated, “Defendants represented to the Court that DOL [Department of Labor] will not allow DOGE access to any DOL data until after this Court rules on the TRO motion on Friday.”</p> <p>Update 1: On Feb. 7, Judge Bates denied the petition for a temporary restraining order on the ground that the plaintiffs lacked standing.</p> <p>Update-2: On Feb. 12, Plaintiffs submitted a renewed request for a TRO enjoining agency defendants from granting members of DOGE access to their systems of records, except as consistent with applicable federal law.</p> <p>Update 3: On Feb. 14, Judge Bates denied the renewed request for a TRO, but added, “On the</p>	<p>2025-02-14</p>

			Economy Act question, which is the most important for this denial of a TRO, the Court will benefit from further briefing and analysis on a motion for preliminary injunction.”	
University of California Student Ass’n v. Carter et al Case No. 1:25-cv-00354	Complaint	Feb. 7, 2025	<p>On Feb. 3, 2025, reportedly 20 people affiliated with DOGE were working with the Department of Education, some of whom obtained access to sensitive internal information systems, including systems related to federal student aid. Plaintiffs sued, arguing DOGE’s access is unlawful under the Administrative Procedure Act in that it is contrary to law in violation of the Privacy Act and Internal Revenue Code; arbitrary and capricious; and in excess of statutory authority. They seek a declaratory judgment that DOGE officials are not authorized to access Department of Education records that contain personal information, and temporary, preliminary, or permanent injunctive relief preventing the Department of Education from continuing to provide access to DOGE, ensuring there is no further dissemination of data, and requiring recovery of unlawfully transferred information.</p> <p>Update 1: On Feb. 10, Plaintiff moved for a TRO, requesting Defendants be enjoined from disclosing information about individuals to individuals affiliated with DOGE, and required to retrieve and safeguard any such information that has already been obtained by and shared or transferred by DOGE or individuals associated with it.</p> <p>Update 2: On Feb. 17, Judge Randolph Moss denied the TRO on the grounds that mere “access” to data by government employees who are not formally authorized to view it, without more, does not create an irreparable injury. He wrote that courts find dissemination of information to be an irreparable injury where highly sensitive information will be made public or is given to someone with no obligation to keep it confidential. He also wrote that irreparable harm was not present because plaintiffs would have a private right of action and money damages for certain unauthorized disclosures.</p>	2025-02-17
National Treasury Employees Union v. Russell Vought (D.D.C.) Case No. 1:25-cv-00380	Complaint	Feb. 9, 2025	<p>DOGE “special government employee” entered CFPB. On February 7, 2025, Chris Young, Nikhil Rajpul, and Gavin Klinger—none of whom is or has been a CFPB employee—were added to CFPB’s staff and email directories as “senior advisers.” Russell Vought, as Acting Director of CFPB, instructed CFPB staffers to grant this DOGE team access to all non-classified systems. Plaintiffs maintain that CFPB has a statutory obligation to protect its employee information under both the Privacy Act and CFPB regulations (5 C.F.R. Part 1070). Plaintiffs claim that CFPB violated that obligation by granting DOGE access to employee information without satisfying an exception in the Privacy Act. Plaintiffs seek a judgment declaring that CFPB violated the law by granting DOGE access to CFPB systems, that CFPB’s disclosure of employee information to DOGE is unlawful, and request an injunction to prevent CFPB from disclosing employee records to DOGE.</p>	2025-02-09

<p>American Federation of Teachers et al v. Bessent et al (D. Md.)</p> <p>Case No. 8:25-cv-00430</p>	<p>Complaint</p>	<p>Feb. 10, 2025</p>	<p>The complaint alleges that the Treasury Department, Office of Personnel Management, and Department of Education have provided DOGE “special government employees” with access to information systems that contain records of private citizens' sensitive personal information (including Social Security numbers, financial records, and more). Plaintiffs sued, arguing DOGE access is unlawful under the Administrative Procedure Act as (1) not in accordance with the Privacy Act; (2) an arbitrary and capricious abuse of discretion; and (3) in excess of statutory authority. They seek a declaratory judgment that disclosing records to DOGE is unlawful and temporary, preliminary, or permanent injunctive relief to bar defendants from allowing DOGE to access sensitive information; ensure there is no further unauthorized disclosure; ensure records improperly disseminated are retrieved or destroyed; and ensure future disclosures will only occur in accordance with the Privacy Act.</p> <p>Update 1: On Feb. 12, Plaintiffs moved for a TRO enjoining Defendants from providing DOGE access to their records systems and ordering any records housed outside government information systems be retrieved or destroyed.</p> <p>Update 2: On Feb. 24, the court granted a TRO enjoining the Department of Education and Office of Personnel Management from disclosing sensitive information to any DOGE affiliates. The court denied the motion for a TRO against Treasury officials on the basis that a preliminary injunction against Treasury has already been granted in a related case.</p>	<p>2025-02-24</p>
<p>Electronic Privacy Information Center v. U.S. Office of Personnel Management (E.D.V.A.)</p> <p>Case No. 1:25-cv-00255</p>	<p>Complaint</p>	<p>Feb. 10, 2025</p>	<p>The complaint alleges that the Treasury Department granted DOGE-affiliated individuals access to sensitive personal and financial information maintained by the Treasury Department. The plaintiffs, Electronic Privacy Information Center (EPIC) and Doe 1 (a federal employee), sued, claiming that the transmission of these records violated the plaintiffs’ right to privacy and puts plaintiffs at risk of identity theft and financial crimes. Plaintiffs also argue that the transmission of these records was not compliant with the Federal Information Security Modernization Act (FISMA) and other privacy and security requirements. The lawsuit seeks injunctive and declaratory relief curing the release of information and halting further sharing by OPM and Treasury, alleging violations of the Administrative Procedure Act, Privacy Act, the Fifth Amendment, 26 U.S.C. § 6103, and actions beyond the scope of authority—primarily by the DOGE defendants. Doe 1 also seeks an award of statutory and punitive damages.</p> <p>Update 1: On Feb. 12, Plaintiffs moved for a TRO to enjoin Treasury and OPM defendants from providing DOGE access to information systems, to enjoin DOGE defendants from accessing information systems, and to require status reports.</p>	<p>2025-02-12</p>
<p>American Federation of Government Employees, et al. v.</p>	<p>Complaint</p>	<p>Feb. 11, 2025</p>	<p>Plaintiffs allege the Office of Personnel Management (OPM) has given DOGE access to OPM information systems that contain sensitive personal and employment records of government employees (including Social Security numbers, demographic information, job performance</p>	<p>2025-02-11</p>

<p>Office of Personnel Management et al (S.D.N.Y)</p> <p>Case No. 1:25-cv-01237</p>			<p>information, health records, and more). Plaintiffs, current and former federal employees and unions representing them, sued, arguing OPM's disclosure of this information to DOGE violates the Privacy Act and the Administrative Procedure Act; and that DOGE's actions are ultra vires. They seek a declaratory judgment that the government's actions are unlawful; temporary, preliminary, or permanent injunctive relief; and an order for the impoundment and destruction of copies of improperly disclosed personal information.</p>	
<p>Nemeth-Greenleaf, et al. v. Office of Personnel Management, et al. (D.D.C.)</p> <p>Case No. 1:25-cv-00407</p>	<p>Complaint</p>	<p>Feb. 11, 2025</p>	<p>Plaintiffs are federal employees from various government departments who filed suit as a proposed class action. They allege that DOGE workers unlawfully accessed their private information from OPM and the Treasury Department. They argue that Defendants are engaged in an "unlawful ongoing, systemic, and continuous disclosure of personal, health, and financial information" to Elon Musk and DOGE in violation of the Privacy Act, 5 U.S.C. § 552a. They seek injunctive relief and damages.</p>	<p>2025-02-11</p>
<p>Gribbon et al. v. Musk (D.D.C.)</p> <p>Case No. 1:25-cv-00422</p>	<p>Complaint</p>	<p>Feb. 12, 2025</p>	<p>Plaintiffs filed a proposed class action lawsuit. They are recipients of federal benefits, student loans, or have filed tax return information with the federal government. The complaint alleges that "Defendants [are] liable for their willful failure to ensure the security of Plaintiffs' and Class members'" private information. Plaintiffs allege Defendant Elon Musk violated the Computer Fraud and Abuse Act and that Defendants OPM and Treasury violated the Privacy Act of 1974. Plaintiffs are suing for injunctive relief and monetary damages "resulting from Defendants' unlawful ongoing, systematic, and continuous disclosure of personal and financial information."</p>	<p>2025-02-12</p>
<p>Center for Taxpayer Rights v. IRS (D.D.C)</p> <p>Case 1:25-cv-00457</p>	<p>Complaint</p>	<p>Feb. 17, 2025</p>	<p>Plaintiffs filed a lawsuit challenging the U.S. Department of Government Efficiency's access to information from the Internal Revenue Service. Plaintiffs are organizations that represent low-income taxpayers, immigrants, domestic abuse survivors, small businesses, and public and private sector employees. They allege that by allowing DOGE to access private citizens' tax information, the IRS has violated the Federal Information Security Act, the Privacy Act, and the Administrative Procedure Act. Plaintiffs also allege that DOGE has engaged in "ultra vires" actions by "directing and controlling the use and administration of Defendant IRS' systems." They seek declaratory and injunctive relief to stop allegedly "wrongful provision of access, inspection, and disclosure of return information and other personal information in the IRS system to members of DOGE." They also seek other forms of relief such as ordering Defendants to disgorge all unlawfully obtained information.</p>	<p>2025-02-17</p>
<p>American Federation of State, County and Municipal Employees, AFL-CIO v. Social Security Administration (D.</p>	<p>Complaint</p>	<p>Feb. 21, 2025</p>	<p>Plaintiffs filed a lawsuit challenging the U.S. Department of Government Efficiency's access to Social Security Administration data and systems. They allege that allowing DOGE to access private citizens' sensitive data violates several laws, including the Internal Revenue Code, the Privacy Act, the Federal Information Systems Modernization Act, the E-Government Act, and the Administrative Procedure Act. They further allege that Acting SSA Commissioner Leland Dudek's exercise of significant authority without nomination or confirmation violates the Appointments</p>	<p>2025-02-21</p>

Md.) Case No. 1:25-cv-00596			Clause of the U.S. Constitution. Plaintiffs ask the court to declare DOGE’s access to SSA data and systems unlawful, order DOGE to disgorge or delete any unlawfully obtained data, and prohibit any further efforts by either DOGE or SSA to enable DOGE to access SSA data or systems.	
Executive Action: “Fork Directive” deferred resignation offer to federal employees (OPM Directive)				
American Federation of Gov’t Employees, AFL-CIO v. Ezell (D. Mass) Case No. 1:25-cv-10276	Complaint	Feb. 4, 2025	<p>On January 28, 2025, the Office of Personnel Management sent an email to career federal employees presenting what it described as a deferred resignation program, an offer to receive compensation until September 30, 2025 if they resign now (“Fork Directive” email). A deadline for the offer was set for February 6, 2025. Plaintiffs filed suit, arguing the directive violates the Administrative Procedure Act (APA) because it is “arbitrary and capricious” and not in accordance with the Antideficiency Act. They seek a declaratory judgment that the directive violates the APA and that the directive be vacated; they also seek an preliminary and permanent injunction of the February 6, 2025 deadline and an order that OPM submit for court approval a corrected communication for all employees who received the directive.</p> <p>Update 1: On Feb. 5, 2025, the plaintiffs requested a temporary restraining order and that within 24 hours of the TRO, the Government provide written notice of the TRO to all federal employees who have received the directive.</p> <p>Update 2: On Feb. 6, 2025, Judge George O’Toole issued an order to pause the program and extend the deadline until Monday when a hearing is scheduled.</p> <p>Update 3: On Feb. 10, 2025, Judge O’Toole ordered that the stay of the Feb. 6 deadline will remain in effect “pending the completion of briefing and oral argument on the issues.” Defendants notified the Court of their compliance with the order.</p> <p>Update-4: On Feb. 12, 2025, Judge O’Toole dissolved the TRO and denied further preliminary injunctive relief, finding that the plaintiffs lacked Article III standing and that the court lacked subject matter jurisdiction over the claims asserted.</p>	2025-02-12
Executive Action: Removal of independent agency leaders				
Gwynne A. Wilcox v. Donald J. Trump et al (D.D.C.) Case No. 1:25-cv-00334	Complaint	Feb. 5, 2025	<p>This case challenges President Trump’s removal of Gwynne A. Wilcox from her position on the National Labor Relations Board. The suit alleges the removal is in violation of the National Labor Relations Act (29 U.S.C. § 151 et seq.), which allows the president to remove Board members only in cases of neglect of duty or malfeasance and only after notice and hearing. The Plaintiff is seeking relief under the Declaratory Judgement Act, 28 U.S.C. §§ 2201 and 2202, to establish that she remains a rightful member of the Board and that the President lacks authority to remove her. She also seeks an injunction against the Chairman of the National Labor Relations Board,</p>	2025-02-10

			<p>who oversaw the termination.</p> <p>Update 1: On Feb. 10, Plaintiff moved for expedited summary judgment.</p>	
<p>Grundmann v. Trump et al. (D.D.C)</p> <p>Case No. 1:25-cv-00425</p>	<p>Complaint</p>	<p>Feb. 13, 2025</p>	<p>On Feb, 10, 2025, White House official Trent Morse sent a two-sentence email to Susan Grundmann stating that her position on the Federal Labor Relations Authority (FLRA), an independent agency, “is terminated, effective immediately.”</p> <p>Plaintiff Susan Grundmann challenges her removal from the FLRA. Plaintiff was Chair of the FLRA when she received the email from Morse, Deputy Director of the White House Office of Presidential Personnel. Plaintiff alleges she was improperly removed in violation of the Federal Service Labor-Management Relations Statute (5 U.S.C. § 7104), which states that “Members of the Authority... may be removed by the President only upon notice and hearing and only for inefficiency, neglect of duty, or malfeasance in office.” Plaintiff seeks declaratory relief and an injunction ordering her reinstatement.</p> <p>Update 1: On Feb. 14, Plaintiff filed a motion for preliminary injunction and summary judgment.</p>	<p>2025-02-14</p>
<p>Dellinger v. Bessent (D.D.C.)</p> <p>Case No. 1:25-cv-00385-ABJ</p>	<p>Complaint</p>	<p>Feb. 10, 2025</p>	<p>Plaintiff Hampton Dellinger has been the Special Counsel in the Office of the Special Counsel (OSC) since Mar. 6, 2024, when he was nominated by the President and confirmed by the Senate for a five-year term. The OSC is an independent federal agency founded by Congress as part of the Civil Service Reform Act of 1978. Its primary function is to protect federal employees and others who come forward as whistleblowers. Once confirmed, the Special Counsel serves a five-year term and “may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.” On Feb. 7, 2025, Dellinger received a two-sentence email from Sergio Gor, informing Dellinger that he was terminated, effective immediately, and stating no cause for such termination. Dellinger is suing under six different counts and seeks a declaratory judgment that President Trump’s decision to fire him was unlawful, that the Special Counsel may only be removed for cause; and seeks an order that Dellinger may not be removed and is entitled to backpay. As precedent for the constitutionality of the statutory for-cause protection, Dellinger cites to Humphrey’s Executor.</p> <p>Update 1: On Feb. 10, 2025, Judge Amy Berman Jackson issued an administrative stay on Dellinger’s termination through midnight on February 13, 2025, while the parties submit their briefs.</p> <p>Update 2: On Feb. 11, 2025, defendants appealed to the D.C. Circuit (case no. 25-5025), making an emergency motion to stay the district court’s administrative stay.</p> <p>Update 3: On Feb. 12, 2025, the D.C. Circuit dismissed the appeal for lack of jurisdiction.</p>	<p>2025-02-21</p>

			<p>Update 4: On Feb. 12, 2025, Judge Amy Berman Jackson of the D.C. District Court granted a temporary restraining order, ordering that Dellinger shall continue to serve as Special Counsel and prohibiting defendants from denying him the resources and materials of his office.</p> <p>Update 5: On Feb. 13, Defendants filed an appeal to the D.C. Circuit (case no. 25-5028). In the District Court, their motion for a stay pending appeal was denied.</p> <p>Update 6: On Feb. 15, the D.C. Circuit rejected the Defendant's appeal in a 2-1 opinion.</p> <p>Update 7: The Government petitioned the U.S. Supreme Court asking the Justices to freeze and vacate the district court order that had temporarily reinstated Dellinger.</p> <p>Update 8: On Feb. 21, the Supreme Court rejected (7-2) the Government's petition on the ground that a TRO was not properly subject to appeal at this stage.</p>	
<p>Cathy A. Harris v. Bessent et al (D.D.C.)</p> <p>Case No. 1:25-cv-00412</p>	<p>Complaint</p>	<p>Feb. 11, 2025</p>	<p>Plaintiff Cathy A. Harris challenges her removal from the Merit Systems Protection Board (MSPB), an independent federal agency. Plaintiff alleges that she received a one-sentence email from Trent Morse, Deputy Assistant to the President and Deputy Director of the White House Presidential Personnel Office, stating that Plaintiff had been terminated, effective immediately. Plaintiff, whose term on the MSPB was set to expire in 2028, alleges that she was unlawfully removed from her position without justification, despite the statutory requirement that MSPB members may only be removed for "inefficiency, neglect of duty, or malfeasance in office." She alleges the action was ultra vires and violated the Administrative Procedure Act. She seeks a declaratory judgment and injunction as well as an emergency temporary restraining order to reinstate her position on the MSPB.</p> <p>Update 1: On Feb. 11, Plaintiff moved for a TRO declaring that her removal is unlawful and that she is a member of the MSPB, and enjoining obstructing her access to the office.</p> <p>Update 2: On Feb. 18, Judge Rudolph Contreras granted the temporary restraining order and ordered that Harris continue to serve as Chair of the MSPB until the court rules on a preliminary injunction.</p>	<p>2025-02-18</p>
<p>LeBlanc & Felten v. United States Privacy and Civil Liberties Oversight Board (D.D.C.)</p>	<p>Complaint</p>	<p>Feb. 24, 2025</p>	<p>On Jan, 27, 2025, the U.S. Privacy and Civil Liberties Oversight Board (PCLOB) purported to remove Plaintiffs, two Senate-confirmed members of the Board. Plaintiffs represent two out of three Democratic members of the Board, which is required by statute to have Democratic and Republican members.</p> <p>Plaintiffs allege that the text, structure, and function of the 9/11 Commission Act bars</p>	<p>2025-02-24</p>

<p>Case No. 1:25-cv-00542</p>			<p>removal of PCLOB members without good cause. They also assert that by removing Board members solely on the basis of their political affiliation, defendants have acted “not in accordance with law.” They seek a declaration that the Defendants “have no authority” to remove Plaintiffs from the Board based on their political affiliation and for the court to “hold unlawful and set aside the purported removals.” They also seek an injunction prohibiting defendants (other than the President) from removing them from their positions without good cause and enjoin defendants (other than the President) to restore them to those positions.</p>	
<p>Executive Action: Dismantling of USAID (Executive Order 14169) (State Dept stop-work order)</p>				
<p>American Foreign Service Association v. Trump (D.D.C.) Case No. 1:25-cv-00352</p>	<p>Complaint</p>	<p>Feb. 6, 2025</p>	<p>On Jan. 20, 2025, the Trump administration issued an executive order including a 90-day pause in “foreign development assistance,” and the Secretary of State then issued stop-work orders for United States Agency for International Development (USAID) foreign assistance grants. Later, Secretary of State Rubio was named as acting USAID Administrator and USAID contractors were laid off or furloughed. On Feb. 3, Elon Musk posted that he had spent the previous weekend “feeding USAID to the woodchipper,” and USAID headquarters in Washington, D.C. was closed. On Feb. 4, a message was posted on the USAID website that all directly-hired USAID staff would be placed on administrative leave as of 11:59pm EST on Friday, Feb. 7, 2025. Plaintiffs sued, arguing executive actions either to dissolve USAID or merge it with the State Department are unconstitutional violations of the separation of powers and the Take Care Clause; and unlawful under of the Administrative Procedure Act by exceeding statutory authority, violating the Further Consolidated Appropriations Act, and involving arbitrary and capricious abuses of discretion. Plaintiffs seek a declaratory judgment that the administration’s actions are unlawful and unconstitutional; a temporary restraining order and preliminary injunction directing the administration to halt efforts to shut down the agency, including by appointing an independent administrator, restoring grant funding, recalling furloughs, and halting efforts to place more employees on administrative leave, among other actions. Plaintiffs also seek court supervision, and a permanent injunction barring the administration from taking action to dissolve USAID absent congressional authorization.</p> <p>Update 1: On Feb. 7, 2025, Judge Carl J. Nichols issued a temporary restraining order preventing USAID from placing employees on administrative leave or evacuating them. He rejected the plaintiffs’ request for a restraining order on the funding freeze on the ground that the plaintiffs (USAID employees) could not show sufficient harm to themselves.</p> <p>Update 2: On Feb. 13, the court extended the TRO until Friday, Feb. 21, at 11:59 PM. Judge Nichols also amended the TRO’s statement to clarify that no USAID employees can be involuntarily evacuated from their host countries while the TRO remains in place.</p>	<p>2025-02-21</p>

			<p>Update 3: On Feb. 14, the Government submitted a declaration by Pete Marocco, who performs the duties and functions of both Deputy Administrators of USAID; the declaration responds to the court’s questions about government actions to protect USAID employees abroad subject to administrative leave or in the event of employees staying voluntarily beyond the time of an evacuation.</p> <p>Update 4: On Feb. 21, Judge Nichols issued an Order and Memorandum Opinion rejecting the preliminary injunction and dissolving the TRO. His reasoning included that plaintiffs do not face irreparable harm after a series of concessions from Deputy Administrator Marocco, and that they could pursue remedies with administrative bodies governing disputes</p>	
<p>AIDS Vaccine Advocacy Coalition v. United States Department of State(D.D.C.)</p> <p>Case No. 1:25-cv-00400</p>	<p>Complaint</p>	<p>Feb. 10, 2025</p>	<p>On Jan. 20, 2025, the Trump administration issued an executive order including a 90-day pause in “foreign development assistance,” and the Secretary of State then issued stop-work orders for United States Agency for International Development (USAID) foreign assistance grants.</p> <p>Plaintiffs, AIDS Vaccine Advocacy Coalition (AVAC) and Journalism Development Network (JDN), sued for declaratory and injunctive relief to stop the implementation of the Executive Order and the stop-work order. Plaintiffs are two nonprofit organizations that receive federal grants from USAID to support their work. Both AVAC’s and JDN’s funding was appropriated by Congress through the Further Consolidated Appropriations Act. Plaintiffs allege the Executive Order and stop-work order have been detrimental to their work, forcing them to lay off staff, slashing their budgets, and impacting their ability to carry out their missions. They allege the President acted ultra vires and usurped legislative authority. They also allege the President has violated the Take Care Clause. Plaintiffs’ claims against the State Department, USAID, Secretary of State Marc Rubio, Office of Management and Budget (OMB), and OMB Director Vought are that the stop-work orders are arbitrary and capricious in violation of the Administrative Procedure Act, the Anti-Deficiency Act (as an “unlawful reserve”), and the Impoundment Control Act. Plaintiffs seek a declaration from the court that the suspension of foreign aid is unlawful, an injunction stopping defendants from enforcing the Executive Order, and an order to immediately reinstate foreign assistance funding.</p> <p>Update 1: On Feb. 12, Plaintiffs moved for a TRO enjoining Defendants from enforcing the Executive Order and State Department policy, enjoining stop-work orders, and reinstating foreign assistance funding and administration.</p> <p>Update 2: On Feb. 13, the court granted a TRO in this case and <i>Global Health Council v. Trump</i> on narrower terms than originally requested. The order enjoins implementation on the blanket suspension of foreign aid funding, but does not enjoin enforcement or implementation of Executive Order 14169, individual personnel decisions, or termination of individual contracts.</p>	<p>2025-02-25</p>

			<p>Update 3: On Feb. 19, Plaintiffs filed an emergency motion for contempt seeking to enforce the Feb. 13 TRO against Defendants and hold them in civil contempt. Plaintiffs allege that Defendants’ purported compliance with the TRO “strains credulity” and that Defendants have continued to suspend funding and enforce stop-work orders in violation of the court’s orders.</p> <p>Update 4: On Feb. 20, the court granted in part plaintiffs’ motion for enforcement of the court’s TRO “to the extent Defendants have not complied with the terms of the TRO,” but did not make a finding of contempt, citing “Defendants’ explicit recognition that ‘prompt compliance with the order’ is required.” The granted motion applies to this case and Global Health Council v. Trump.</p> <p>Update 5: On Feb. 24, plaintiffs in Global Health Council v. Trump filed an emergency renewed motion to enforce the TRO. The court held a hearing the following day and, on Feb. 25, granted the motion for a proposed order requiring the Administration pay all invoices and letter of credit drawdown requests for work completed prior to the TRO, as well as reimbursements on grants and assistance agreements by 11:59 pm on Wednesday, Feb. 26. The court further mandated that the Administration take no actions to impede and must ensure the prompt payment of appropriated foreign assistance funds going forward. The court also reportedly ordered the government to provide the court, by Feb. 26 at noon, with all internal directives to agency employees concerning compliance with the TRO.</p> <p>Update 6: On Feb. 25, the Government submitted a notice of its decision to appeal the court’s decision to the DC Circuit, and a motion to stay the court’s order pending appeal.</p>	
<p>Global Health Council v. Trump (D.D.C.)</p> <p>Case No. 1:25-cv-00402</p>	<p>Complaint</p>	<p>Feb. 11, 2025</p>	<p>A group of for-profit and nonprofit organizations that contract with USAID sued the Trump administration over its recent actions to defund USAID, lay off or furlough employees, and transfer the Agency to be under the State Department. Plaintiffs provide a detailed chronology of the actions, memoranda, and statements that the Administration has issued. In addition to imperiling future projects by freezing future funds, plaintiffs also allege that there is money unpaid for services already performed. (\$3,376,832 for Democracy International, approximately \$120 million for DAI, \$103.6 million for Chemonics, and tens of millions for SBAIC’s members.) Plaintiffs allege that neither the President, nor the Secretary of State, nor the USAID Administrator have the authority to unilaterally withhold already-appropriated funds, citing the Constitution and statutory law prohibiting the unilateral withholding: the Impoundment Control Act and the Anti-Deficiency Act. Plaintiffs also claim violations of the Administrative Procedure Act; that the Executive’s actions were arbitrary and capricious, and contrary to statutory and constitutional law. Plaintiffs ask the court to vacate and set aside all of the defendants’ actions to implement Executive Order 14169 and seek injunctions to prevent defendants from continuing to implement EO 14169 and from “dismantling USAID.”</p> <p>Update 1: On Feb. 11, Plaintiffs moved for a TRO enjoining implementation of the Executive Order and State Department Memorandum.</p>	<p>2025-02-25</p>

			<p>Update 2: On Feb. 13, the court granted a TRO in this case and <i>AIDS Vaccine Advocacy Coalition v. United States Department of State</i> on narrower terms than originally requested. The order enjoins implementation on the blanket suspension of foreign aid funding, but does not enjoin enforcement or implementation of Executive Order 14169, individual personnel decisions, or termination of individual contracts.</p> <p>Update 3: On Feb. 20, the court granted in part plaintiffs’ motion for enforcement of the court’s TRO “to the extent Defendants have not complied with the terms of the TRO,” but did not make a finding of contempt, citing “Defendants’ explicit recognition that ‘prompt compliance with the order’ is required.” The granted motion applies to this case and <i>AIDS Vaccine Advocacy Coalition v. United States Department of State</i>.</p> <p>Update 4: On Feb. 24, plaintiffs filed an emergency renewed motion to enforce the TRO. The court held a hearing the following day and, on Feb. 25, granted the motion for a proposed order requiring the Administration pay all invoices and letter of credit drawdown requests for work completed prior to the TRO, as well as reimbursements on grants and assistance agreements by 11:59 pm on Wednesday, Feb. 26. The court further mandated that the Administration take no actions to impede and must ensure the prompt payment of appropriated foreign assistance funds going forward. The court also reportedly ordered the government to provide the court, by Feb. 26 at noon, with all internal directives to agency employees concerning compliance with the TRO.</p> <p>Update 5: On Feb. 25, the Government submitted a notice of its decision to appeal the court’s decision to the DC Circuit, and a motion to stay the court’s order pending appeal.</p>	
<p>Personal Services Contractor Association v. Trump et al (D.D.C.)</p> <p>Case No. 1:25-cv-00469</p>	<p>Complaint</p>	<p>Feb. 18, 2025</p>	<p>On Jan. 20, 2025, the Trump administration issued an executive order including a 90-day pause in “foreign development assistance,” and the Secretary of State then issued stop-work orders for United States Agency for International Development (USAID) foreign assistance grants.</p> <p>The Personal Services Contractor Association filed suit on Feb. 18, 2025, challenging Executive Order 14169 and subsequent actions that effectively suspended U.S. foreign aid and began dismantling USAID. The plaintiffs, representing USAID contractors, allege these actions have caused severe disruption, including contractors being locked out of facilities and email, facing eviction overseas, losing access to healthcare, and being unable to carry out humanitarian aid work. The plaintiffs bring four causes of action: (1) violation of separation of powers against Trump, (2) violation of the Take Care Clause against Trump, (3) violation of the Administrative Procedure Act (APA) for arbitrary and capricious actions against all defendants except Trump, and (4) violation of the APA for actions not in accordance with law (including under the Impoundment Act and Anti-Deficiency Act) against all defendants except Trump. The plaintiffs seek both immediate temporary relief (to restore USAID contractors to their pre-January 20</p>	<p>2025-02-19</p>

			<p>employment status and work conditions) and permanent injunctive relief to prevent USAID's dismantling, its absorption into the State Department, and the freezing of congressionally-appropriated foreign assistance funds without congressional approval. They also request ongoing compliance monitoring through regular status reports.</p> <p>Update 1: On Feb. 19, Plaintiffs submitted a motion for a temporary restraining order, including 13 Declarations as Exhibits.</p>	
Executive Action: Large-scale reductions in force (Executive Order 14210)				
<p>National Treasury Employees Union v. Donald Trump (D.D.C.)</p> <p>Case No. 1:25-cv-00420</p>	<p>Complaint</p>	<p>Feb. 12, 2025</p>	<p>On Feb. 11, 2025, President Trump issued an executive order instructing agency heads to “undertake preparations to initiate large-scale reductions in force (RIFs).” Plaintiffs allege that the executive order, along with the Office of Personnel Management’s “deferred resignation program,” violates separation of powers principles by undermining Congress’s authority, and the Administrative Procedure Act by imposing RIFs contrary to regulations. They seek a declaration that mass firings and the deferred resignation program are unlawful, along with injunctions to prevent agency heads from implementing RIFs and OPM from extending, expanding, or replicating its deferred resignation program.</p>	<p>2025-02-12</p>
Executive Action: Termination of probationary employees				
<p>American Federation Of Government Employees, AFL-CIO v. Office of Personnel Management and Ezell (N.D. Cal.)</p> <p>Case No. 3:25-cv-01780</p>	<p>Complaint</p> <p>Amended Complaint</p>	<p>Feb. 19, 2025</p> <p>Feb. 23, 2025</p>	<p>On Feb. 13, 2025, the Office of Personnel Management and Acting Director Charles Ezell ordered federal agencies to terminate tens of thousands of probationary employees en masse. Probationary employees are members of the competitive service in their first year of employment or of the excepted service in their first two years of employment, and may also include long-time federal workers who have recently been employed in a new position or a new agency.</p> <p>Among the factual claims, Plaintiffs allege that Defendants sent agencies “standardized notices of termination, drafted by OPM, that falsely state that the terminations are for performance reasons.” Plaintiffs allege that the mass termination violates multiple requirements under the Administrative Procedure Act and separation of powers principles by overriding Congressional statutes authorizing and regulating agency hiring and firing. They seek a declaration that the mass termination is unlawful and a preliminary or permanent injunction setting aside OPM’s order, ceasing terminations pursuant to the order, and rescinding any prior unlawful terminations.</p> <p>Update 1: On Feb. 23, Plaintiffs filed an amended complaint alleging that OPM further violated the APA by sending emails to government employees requesting updates on their week-to-week accomplishments and Musk’s stating that “[f]ailure to respond will be taken as a resignation.”</p>	<p>2025-02-23</p>

GOVERNMENT GRANTS, LOANS AND ASSISTANCE

Executive Action: “Temporary Pause” of grants, loans, and assistance programs

<p>National Council of Nonprofits v. Office of Management and Budget (D.D.C.)</p> <p>Case No. 1:25-cv-00239-LLA</p>	<p>Complaint</p>	<p>Jan. 28, 2025</p>	<p>The Acting Director of the Office of Management and Budget issued a memorandum purported to “require every federal agency to temporarily pause” any agency activities “that may be implicated by [President Trump’s] executive orders.” The plaintiff organizations, represented by Democracy Forward, are small businesses and nonprofits that receive federal funds. The suit sought a temporary restraining order to allow the Court “an opportunity to more fully consider the illegality of OMB’s actions,” alleging violations of the Administrative Procedure Act and the First Amendment.</p> <p>Update 1: On Jan. 28, 2025, Judge Loren AliKhan of the District Court for the District of Columbia issued a temporary restraining order against the OMB policy to allow arguments from the plaintiffs and the government.</p> <p>Update 2: On Jan. 29, 2025, the Government submitted a Notice that the OMB had rescinded the challenged memo. On the same day, the White House Press Secretary stated, “This is not a rescission of the federal funding freeze. It is simply a rescission of the OMB memo. Why? To end any confusion created by the court’s injunction. The President’s EO’s on federal funding remain in full force and effect, and will be rigorously implemented.”</p> <p>Update 3: On Feb. 3, 2025, Judge AliKhan issued a temporary restraining order blocking the OMB from implementing its funding freeze, finding that the Plaintiffs are likely to succeed in their claim that the directive was arbitrary and capricious under the APA, and that the post-complaint rescission of the memorandum was “disingenuous” and still causing irreparable injury. The order directed the OMB to release the frozen funds, notify agencies of this TRO, and file a status report on compliance by Feb. 7, 2025.</p> <p>Update 4: On Feb. 11, Plaintiffs moved for a preliminary injunction to enjoin the Trump Administration from reinstating the funding freeze. The Government filed a memorandum in opposition to the motion, and plaintiffs replied. The hearing was held on Feb. 20.</p> <p>Update 5: On Feb. 25, the court issued a memorandum opinion and granted the plaintiff’s motion for a preliminary injunction, enjoining the Trump administration from implementing, giving effect to, or reinstating under a different name the blanket freeze on disbursement of Federal funds.</p>	<p>2025-02-25</p>
<p>New York et al v. Donald J. Trump et</p>	<p>Complaint</p>	<p>Jan. 28, 2025</p>	<p>The Acting Director of the Office of Management and Budget issued a memorandum purported to “require every federal agency to temporarily pause” any agency activities “that may be</p>	<p>2025-02-14</p>

<p>al (D.R.I.)</p> <p>Case No. 1:25-cv-00039</p>			<p>implicated by [President Trump’s] executive orders.” The attorneys general of 22 states and the District of Columbia filed a lawsuit seeking preliminary and permanent injunctions against enforcement of the policy. The suit alleges that the policy violates the Administrative Procedure Act and the First Amendment.</p> <p>Update 1: On Jan. 28, responding to National Council of Nonprofits v. Office of Management and Budget, Judge Loren AliKhan of the District Court for the District of Columbia issued a temporary restraining order against the OMB policy to allow arguments from the plaintiffs and the government.</p> <p>Update 2: On Jan. 29, the Government submitted a Notice that the OMB had rescinded the challenged memo. On the same day, the White House Press Secretary stated, “This is not a rescission of the federal funding freeze. It is simply a rescission of the OMB memo. Why? To end any confusion created by the court’s injunction. The President’s EO’s on federal funding remain in full force and effect, and will be rigorously implemented.”</p> <p>Update 3: On January 31, Judge McConnell issued a temporary restraining order against the OMB policy to allow the states to file their motion for a preliminary injunction. Judge McConnell’s order notes that the case is not moot because “the alleged rescission of the OMB Directive was in name only and may have been issued simply to defeat the jurisdiction of the courts.” The judge also wrote, “the States are likely to succeed on the merits of some, if not all, their claims.”</p> <p>Update 4: On Feb. 10, Judge McConnell granted Plaintiffs’ motion to enforce the temporary restraining order. Judge McConnell noted the Plaintiff States presented evidence suggesting that Defendants “have continued to improperly freeze federal funds and refused to resume disbursement of appropriated federal funds” (citing three exhibits). Judge McConnell emphasized that this is a violation of the TRO and ordered Defendants to immediately restore frozen funding.</p> <p>Update 5: On Feb. 14, the First Circuit issued a voluntary dismissal of defendants’ motion to appeal the decision.</p>	
<p>Shapiro et al. v. Department of Interior et al. (E.D. Pa.)</p> <p>Case No. 2:25-cv-00763</p>	<p>Complaint</p>	<p>Feb. 13, 2025</p>	<p>The Plaintiffs—Governor Josh Shapiro of Pennsylvania and four Pennsylvania governmental departments—allege that five Executive Orders and a subsequent OMB Directive froze funds already appropriated to various departments and projects in Pennsylvania. The complaint describes five different communications from EPA, HHS, and DOE after the Jan. 27 OMB Directive. None of these communications identified specific programs or funds that would be terminated, and none cited any legal authority. Much of this funding was appropriated under either the Infrastructure Investment and Jobs Act (IIJA) or the Inflation Reduction Act (IRA). The plaintiffs allege that, in total, the funding freeze jeopardizes at least \$5.5 billion that had been committed to Pennsylvania, and over \$1 billion of which had already been obligated. The</p>	<p>2025-02-13</p>

			<p>plaintiffs note the ongoing litigation on the funding freeze, but they claim that, despite the court action – Jan. 31 TRO (D.R.I.), the Feb. 3 TRO (D.D.C.), the Feb. 7 motion to enforce the TRO (D.R.I.), and the Feb. 11 denial of the defendants’ motion for an administrative stay (1st Cir.) – as of Feb. 13, over \$1.2 billion in grant funding is suspended and more than \$900 million is marked as requiring further federal review before being approved. Plaintiffs claim that defendants’ actions violate the Administrative Procedure Act because they are contrary to law (contrary to the IRA and the IIJA) and are arbitrary and capricious. Plaintiffs also claim that defendants’ actions are unconstitutional, violating both the Take Care Clause and the Spending Clause. Plaintiffs seek a declaratory judgment that defendants’ actions are illegal and seek an injunction to prevent defendants from freezing or interfering with congressionally appropriated funds.</p>	
Executive Action: Denial of federal grants				
<p>City of New York v. Trump et al. (S.D.N.Y.) Case No. 1:25-cv-01510</p>	<p>Complaint</p>	<p>Feb. 21, 2025</p>	<p>On Feb. 11, 2025, FEMA clawed back \$80 million that it had disbursed to New York City one week earlier. The funds had previously been approved by FEMA as reimbursement under the Shelter and Services Programs (SSP) to offset the City’s costs of providing housing and services for noncitizen migrants. Plaintiff alleges that FEMA had “reviewed and approved the City’s request [for funds], and issued payment, [and yet] Defendants grabbed the money back without any administrative process whatsoever.” The complaint alleges that Defendants attempted to cloak their actions “with a veneer of administrative process,” including by issuing a “noncompliance” letter to the City’s Office of Management and Budget with “Findings” that SSP funds were being used for “illegal activities.” Plaintiff alleges that the noncompliance letter was pretextual and that Defendants’ “real intent ... is to withhold the funds permanently because they oppose the purposes for which the funds were appropriated, awarded, approved, and paid.” Plaintiff sues for injunctive relief to compel Defendants to return the funds to the City. Plaintiff also seeks a declaration that Defendants’ actions are arbitrary and capricious, in excess of authority, and without observance of lawful procedures.</p>	<p>2025-02-21</p>
Executive Action: Reduction of indirect cost reimbursement rate for research institutions (NIH Guidance)				
<p>Commonwealth of Massachusetts v. National Institutes of Health (D. Mass.) Case No. 1:25-cv-10338</p>	<p>Complaint</p>	<p>Feb. 10, 2025</p>	<p>The National Institutes of Health’s guidance imposes an across-the-board 15 percent reimbursement rate for “indirect costs” of medical research, which research institutions have historically negotiated on an individual basis. Plaintiffs, 22 state governments whose public research institutions will face hardship under the policy, allege that the policy violates the Administrative Procedure Act – including as an “arbitrary and capricious” change that failed to weigh reliance interests and that involves a reversal of fact-finding and as an action in excess the NIH’s statutory authority and in violation of Congress’s express directives in appropriating NIH funding. They seek declaratory judgment and a temporary restraining order and preliminary and permanent injunctions against implementing the policy in the plaintiff states.</p>	<p>2025-02-10</p>

			On Feb. 10, 2025, Judge Angel Kelley granted the plaintiffs emergency motion for a temporary restraining order and imposed a regular reporting requirement on the part of the administration to confirm compliance.	
Association of American Universities, et al. v. Department of Health and Human Services, et al. (D. Mass.) Case No. 1:25-cv-10346	Complaint	Feb. 10, 2025	National Institutes of Health (NIH) guidance imposes an across-the-board 15 percent reimbursement rate for “indirect costs” of medical research, which research institutions have historically negotiated on an individual basis. Plaintiffs, including associations representing universities and college and individual universities, allege the reduction in indirect cost rate to 15% will have immediate destructive effects on NIH-funded research. They sued, arguing the policy is unlawful under of the Administrative Procedure Act in that it (1) is contrary to law in that it departs from the Continuing Appropriations Act of 2024; (2) is contrary to law as it violates the Constitution’s Appropriation Clause; (3) is contrary to law as it departs from negotiated cost rates provided by 45 C.F.R. 75.414 and NIH Grants Policy Statement; (4) is an arbitrary and capricious abuse of discretion; (5) is contrary to law as it departs from HHS cost recovery regulations and policy guidance; (6) fails to observe required notice-and-comment procedures; (7) is contrary to law violates the Public Health Service Act; and (8) is in excess of statutory authority as a retroactive action. Plaintiffs seek a declaratory judgment that the policy is unlawful and preliminary and permanent injunctive relief. Later on Feb. 10, Plaintiffs filed a motion for a Temporary Restraining Order to prohibit Defendants from implementing the policy.	2025-02-10
Association of American Medical Colleges v. National Institutes of Health (D. Mass.) Case No. 1:25-cv-10340	Complaint	Feb. 10, 2025	<p>The National Institutes of Health’s guidance imposes an across-the-board 15 percent reimbursement rate for “indirect costs” of medical research, which research institutions have historically negotiated on an individual basis. Plaintiffs, including associations representing universities, hospitals, and health systems across the country, allege that the Rate Change Notice is invalid under the Administrative Procedure Act (“APA”) and seek to enjoin any actions taken to implement its directives. They argue that the Rate Change Notice is contrary to Health and Human Services’ (HHS) existing regulations and the 2024 Further Consolidated Appropriations Act. Moreover, they contend that it is arbitrary and capricious and failed to undergo required notice and comment rulemaking.</p> <p>Update-1: On February 10, 2025, Judge Angel Kelley issued a nationwide temporary restraining order against the NIH policy.</p>	2025-02-10

DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY

Executive Action: Ban on DEIA initiatives in the executive branch and by contractors ([Executive Order 14168](#); [Executive Order 14151](#); [Executive Order 14173](#))

<p>Nat'l Association of Diversity Officers in Higher Ed. v. Trump (D. Md.)</p> <p>Case No. 1:25-cv-00333-ABA</p>	<p>Complaint</p>	<p>Feb. 3, 2025</p>	<p>On January 20, 2025, the Trump administration issued an executive order directing the OMB Director, assisted by the Attorney General and OPM, to terminate DEI programs, offices and positions, and “equity-related” grants and contracts. On January 21, 2025, the administration issued another executive order revoking an Equal Employment Opportunity executive order in place since 1965; requiring federal grant recipients and contractors to certify that they do not operate DEI programs that violate anti-discrimination laws; and requiring each executive agency to identify up to nine corporations or nonprofit entities or associations to target with civil investigations to deter DEI programs. Plaintiffs argue the first order is an unconstitutional violation of the Spending Clause and the 5th Amendment’s due process guarantee for vagueness. They argue the second order unconstitutionally violates 5th Amendment due process for vagueness; the 1st Amendment’s free speech clause; and the separation of powers. They seek declaratory judgments that both orders are unlawful and unconstitutional, and preliminary and permanent injunctions against both.</p> <p>Update 1: On Feb. 13, Plaintiffs moved for a TRO and preliminary injunction against enforcement of the Executive Orders.</p> <p>Update 2: On Feb. 18, Defendants filed a response against Plaintiffs' motion for a TRO and preliminary injunction, arguing, inter alia, that two of four Plaintiffs lack standing and that Plaintiffs' claims fail on merits. On Feb. 19, Plaintiffs filed a supplemental brief in support for a TRO and preliminary injunction.</p> <p>Update 3: On Feb. 21, Judge Adam B. Abelson issued a memorandum opinion and granted the preliminary injunction in large part, enjoining implementation of the Termination Provision of Executive Order 14151 and of the Certification and Enforcement Threat Provisions of Executive Order 14173. The court stated that “Plaintiffs’ irreparable harms include widespread chilling of unquestionably protected speech.” The court also denied the preliminary injunction in part, allowing the Attorney General to prepare the report pursuant to Executive Order 14173 and to engage in an investigation.</p> <p>Update 4: On Feb. 24, the Defendant submitted a notice of appeal to the Fourth Circuit.</p>	<p>2025-02-24</p>
<p>Doe 1 v. Office of the Director of National Intelligence (E.D.Va.)</p>	<p>Complaint</p>	<p>Feb. 17, 2025</p>	<p>On Jan. 20, 2025, the Trump administration issued an executive order directing the OMB Director, assisted by the Attorney General and OPM, to terminate DEI programs, offices and positions, and “equity-related” grants and contracts.</p>	<p>2025-02-20</p>

<p>Case No. 1:25-cv-00300-AJT-LRV</p>			<p>Plaintiffs are U.S. intelligence officers who were assigned to diversity, equity, inclusion and accessibility (DEIA) initiatives at ODNI and CIA. The complaint alleges that Defendants placed Plaintiffs on administrative leave “apparently only because of [Plaintiffs’] temporary assignments to personnel functions involving DEIA.” Plaintiffs bring several causes of action. First, they claim that Defendants violated the Administrative Leave Act by placing Plaintiffs on leave for more than ten work days, despite the fact that no worker misconduct had been alleged. Second, Plaintiffs maintain that Defendants violated the Administrative Procedure Act, because Plaintiffs’ “imminent termination” is “arbitrary, capricious, an abuse of discretion, not in accordance with [Intelligence Community] regulations, and unsupported by any evidentiary record whatsoever.” Third, Plaintiffs allege that Defendants violated the First and Fifth Amendments by firing Plaintiffs on the basis of “their assumed beliefs about a domestic political issue [DEIA]” and causing them to lose “their property interest in their employment without due process of law.”</p> <p>The plaintiffs seek injunctive relief. The plaintiffs also submitted a request for a temporary restraining order.</p> <p>Update 1: On Feb 18, the court issued an administrative stay blocking the termination of plaintiffs’ employment or placing plaintiffs on leave without pay.</p> <p>Update 2: On Feb. 20, Defendants filed a motion in opposition to the plaintiffs’ request for a TRO.</p>	
<p><u>National Urban League v. Trump</u> (D.D.C.)</p> <p>Case No. 1:25-cv-00471</p>	<p><u>Complaint</u></p>	<p>Feb. 19, 2025</p>	<p>On Jan. 20, the Trump administration issued an executive order directing the OMB Director, assisted by the Attorney General and OPM, to terminate DEI programs, offices and positions, and “equity-related” grants and contracts. On Jan. 21, the administration issued another executive order revoking an Equal Employment Opportunity executive order applying to contractors, in place since 1965; requiring federal grant recipients and contractors to certify that they do not operate DEI programs that violate anti-discrimination laws; and requiring each executive agency to identify up to nine corporations or nonprofit entities or associations to target with civil investigations to deter DEI programs. Plaintiffs, non-profits that receive federal funding for programs designed to serve vulnerable populations, allege that the executive orders violate the First Amendment’s protections for freedom of speech, the Fifth Amendment’s Equal Protection and Due Process guarantees, and the Administrative Procedure Act. Plaintiffs allege the same regarding Executive Order 14168, which takes similar action against programs involving trans rights, violates the same laws. Plaintiffs seek a declaratory judgment that the executive orders are unlawful, rescission of the executive orders, and permanent injunctions against any actions taken to enforce the executive orders.</p>	<p>2025-02-19</p>

<p><u>San Francisco AIDS Foundation et al v. Trump</u> (D.D.C.)</p> <p>Case No. 3:25-cv-1824</p>	<p><u>Complaint</u></p>	<p>Feb. 20, 2025</p>	<p>On Jan. 20, 2025, the Trump administration issued an <u>executive order</u> to “[defend] women from gender ideology extremism and [restore] biological truth to the federal government.” That same day, the President issued an <u>executive order</u> directing the OMB Director, assisted by the Attorney General and OPM, to terminate DEI programs, offices and positions, and “equity-related” grants and contracts. On Jan. 21, the administration issued a <u>third executive order</u> revoking an Equal Employment Opportunity executive order in place since 1965; requiring federal grant recipients and contractors to certify that they do not operate DEI programs that violate anti-discrimination laws; and requiring each executive agency to identify up to nine corporations or nonprofit entities or associations to target with civil investigations to deter DEI programs.</p> <p>Plaintiffs allege that these three executive orders “pose an existential threat to transgender people and the organizations that respect their existence, shield them from harm, provide them with life-saving services and community, and engage in core protected speech advocating for their liberation.” Specifically, Plaintiffs claim that the EOs: 1) have been used by Defendants to engage in viewpoint and content discrimination in violation of the First Amendment, (2) violate the Due Process Clause of the Fifth Amendment and are void for vagueness, (3) exceed the President’s powers under Article II of the Constitution by usurping congressional authority, and (4) violate the Fifth Amendment’s guarantee of equal protection. Plaintiffs seek declaratory and injunctive relief to prevent implementation and enforcement of the EOs.</p>	<p>2025-02-20</p>
<p>REMOVAL OF INFORMATION FROM GOVERNMENT WEBSITES</p>				
<p>Executive Action: Removal of information from HHS websites under Executive Order on “Gender Ideology Extremism” (Executive Order 14168; Policy Memo)</p>				
<p><u>Doctors for America v. Office of Personnel Management et al</u> (D.D.C.)</p> <p>Case No. 1:25-cv-00322</p>	<p><u>Complaint</u></p>	<p>Feb. 4, 2025</p>	<p>On January 31, 2025, agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention (CDC) and Food and Drug Administration (FDA) removed health-related data and other information from publicly accessible websites in response to an Office of Personnel Management memorandum enforcing Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” Plaintiffs, suing on behalf of doctors and scientists who rely on the data, allege that the removal constitutes an arbitrary and capricious act, thus violating the Administrative Procedure Act, and fails to comply with notice requirements under the Paperwork Reduction Act. They seek declaratory judgments that the OPM memorandum is unlawful and that the relevant agencies have violated the law; injunctions on further removal of information from agency websites; notice of any further modifications to webpages; and restoration of previously publicly-available datasets.</p> <p>Update 1: On Feb. 11, 2025, Judge John D. Bates issued a <u>temporary restraining</u></p>	<p>2025-02-11</p>

			order and memorandum opinion . The TRO includes a requirement that Defendants restore webpages and datasets identified by the Plaintiffs.	
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